

REMARKS

Reconsideration of the application is respectfully requested for the following reasons:

1. Formalities

The typographic error in claim 7 (“hold” to –hole–) has been corrected.

In addition, various other minor grammatical and idiomatic errors in the claims and specification have been corrected. Because the corrections are all formal in nature, it is respectfully submitted that they do not involve new matter.

2. Rejection of Claims 4-7 Under 35 USC §112, 2nd Paragraph

This rejection has been addressed by amending claim amending claim 7 to be in independent form, and to delete the recitation that the ring member restrains the ratchet wheel.

Claim 7 is now directed to the embodiment of **Fig. 7**, while **claim 4** continues to be directed to the embodiment of **Figs. 4-6**, in which the ring member 83 does restrain the ratchet wheel, and in which an identification layer 84 is provided on the ring member, exactly as recited in claim 4.

3. Rejection of Claims 1, 2, 4-7 Under 35 USC §103(a) in view of U.S. Patent Nos. 6,263,767 (Hu) and 4,280,379 (Chow)

This rejection is respectfully traversed on the grounds that the Hu and Chow patents fail to disclose or suggest, whether considered individually or in any reasonable combination:

- a wrench having a ring member that restrains a ratchet, the ring member (rather than the handle or “body” of the wrench) including an identification layer thereon, as recited in claims 4-6; or
- an integral ring member with an identification layer, as recited in claim 7.

Serial Number 10/726,600

Both the Hu patent and the Chow patent disclose identifiers on the body of the wrench, and not on or associated with a ratchet wheel (or ring member) situated in an hole in the body, as claimed.

A. The Hu Patent

While the Hu patent might possibly be interpreted to include an “identification layer” 14, as noted by the Examiner on page 3 of the Official Action, “identification layer” 14 of Hu cannot possibly correspond to the claimed identification layer because it is not on the ring. Instead, it is part of the wrench body 12.

The Examiner correctly identifies ratchet wheel 20 of Hu as corresponding to the claimed “ratchet wheel.” However, no part of wheel 20 of Hu corresponds to the integral ring member recited in claim 7, since no part of wheel 20 includes a layer corresponding to the claimed identification layer. Furthermore, the Hu patent does not suggest any sort of separate restraining ring member, much less one with an identification layer of the type claimed. Contrary to the Official Action, “Indication area” 14 of Hu (see 23-27 of col. 4) is not on the ratchet wheel, or on a ring “*mounted in the hole of the wrench body*” and associated with the ratchet wheel. Rather, indication area 14 of Hu is clearly on the wrench body or “handle” 12.

In addition to not being on a “*ring member mounted in the hole of the wrench body*” as recited in either of claims 4 or 7, or a ring member that is mounted to restrain the ratchet wheel, as recited in claim 4, it is respectfully submitted that the “identification area” 14 of Hu is not a “layer” as claimed. Instead, the “identification area” is merely an “inclined” area of the handle, the direction of inclination indicating the ratcheting direction. ***A bevel (“inclined area”) on a wrench handle, as described in col. 4, lines 23-28 of the Hu patent, cannot reasonably be said to correspond to the claimed “ring member mounted in the hole of the wrench body” and “identification layer disposed on the ring member.”***

B. The Chow Patent

The Chow patent, on the other hand, is said to teach use of color to indicate ratcheting direction, citing elements 348, 352. While it is true that Chow teaches the inclusion of a colored button 348 to indicate ratcheting direction (col. 6, lines 28-31), however, the button 348 Chow is not provided on either a ratchet wheel or a ratchet wheel retaining ring member, as claimed. Instead, it is situated on a **face 122 of a driving ring or collar 28, which is part of, and integral with, the handle 22, as explained in col. 3, lines 66 et seq.** (“The ratchet wrench 20 includes a handle 22 to one end of which is connected a tool head 26 comprising a generally cylindrical driving ring or collar 28. . .”). Although called a “driving ring” as well as a collar, it is clear that element 28 which supports the indicators (and reversal buttons) is in fact **part of the handle** (the internally toothed part, as best shown in Fig. 3), and **not integral with or associated with a ratchet wheel**.

In other words, the color indicator of Chow is mounted on the wrench body rather than the ratchet wheel or a ring member that restrains the ratchet wheel. **The indicator of Chow is therefore situated in a manner analogous to the indicator of Hu, i.e., on the wrench body.**

C. Combination of Hu and Chow Patents

Since both of the references applied by the Examiner teach placement of an indicator on the wrench body rather than on a rotating ratchet wheel situated in a hole in the body, neither of the references applied by the Examiner could possibly have suggested the claimed invention, and withdrawal of the rejection of claims 1, 3, and 4-7 under 35 USC §103(a) is respectfully requested.

4. Rejection of Claims 3 Under 35 USC §103(a) in view of U.S. Patent Nos. 6,263,767 (Hu), 4,280,379 (Chow), and 6,257,098 (Cirone)

This rejection has been rendered moot by the cancellation of claim 3. In addition, it is respectfully noted that the Cirone patent discloses a handle-supported indicator, just like the Hu

Serial Number 10/726,600

and Chow patents, and therefore could not have suggested the claimed ratchet wheel (or retaining ring member) identification layer.

Having thus overcome each of the rejections made in the Official Action, withdrawal of the rejections and expedited passage of the application to issue is requested.

Respectfully submitted,

BACON & THOMAS, PLLC

A handwritten signature in black ink, appearing to read 'B. Urcia', with a long horizontal flourish extending to the right.

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